

59-13-301.5. Refund of taxes impacting Ute tribe and Ute tribal members.

(1) In accordance with this section, the Ute tribe may receive a refund from the state of amounts paid in accordance with Section 59-13-301 if:

(a) the amounts paid by the Ute tribe when it purchases the special fuel includes the amount paid in taxes on the special fuel;

(b) the special fuel is purchased for use by:

(i) the Ute tribe; or

(ii) a Ute tribal member from a retail station that is:

(A) wholly owned by the Ute tribe; and

(B) located on Ute trust land; and

(c) the governor and the Ute tribe execute and maintain an agreement meeting the requirements of Subsection (3).

(2) In addition to the agreement required by Subsection (1), the commission shall enter into an agreement with the Ute tribe that:

(a) provides an allocation formula or procedure for determining:

(i) the amount of special fuel sold by the Ute tribe to a Ute tribal member; and

(ii) the amount of special fuel sold by the Ute tribe to a person who is not a Ute tribal member; and

(b) provides a process by which:

(i) the Ute tribe obtains a refund permitted by this section; and

(ii) reports and remits special fuel tax to the state for sales made to persons who are not Ute tribal members.

(3) The agreement required under Subsection (1):

(a) may not:

(i) authorize the state to impose a tax in addition to a tax imposed under this chapter;

(ii) provide a refund, credit, or similar tax relief that is greater or different than the refund permitted under this section; or

(iii) affect the power of the state to establish rates of taxation; and

(b) shall:

(i) provide that the state agrees to allow the refund described in this section;

(ii) be in writing;

(iii) be signed by:

(A) the governor; and

(B) the chair of the Business Committee of the Ute tribe;

(iv) be conditioned on obtaining any approval required by federal law; and

(v) state the effective date of the agreement.

(4) (a) The governor shall report to the commission by no later than February 1 of each year as to whether or not an agreement meeting the requirements of this Subsection (4) is in effect.

(b) If an agreement meeting the requirements of this Subsection (4) is terminated, the refund permitted under this section is not allowed beginning the January 1 following the date the agreement terminates.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules regarding the procedures for seeking a refund agreed to under the agreement described in Subsection (2).

Amended by Chapter 382, 2008 General Session